

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1665

H.P. 1236

House of Representatives, May 5, 2021

**An Act To Amend AN ACT to Implement the Maine Indian Claims
Settlement Concerning Land Acquisition and Criminal Jurisdiction**

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BABBIDGE of Kennebunk.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30 MRSA §6203, sub-§1-A** is enacted to read:

3 **1-A. Designated area for land acquisition.** "Designated area for land acquisition"
4 means land located east of the mouth of the Penobscot River, land east of the Penobscot
5 River and northward to 44° 50' N, land north of 44° 50' N westward to 69° 10' W, land east
6 of 69° 10' W northward to 45° 55' N, land north of 45° 55' N westward to 69° 55' W, land
7 west of 69° 55' W southward to 45° 30' N and land north of 45° 30' N westward to the border
8 with Canada. "Designated area for land acquisition" includes mainland territory from the
9 eastern shore of Penobscot Bay southward to Eggemoggin Reach and Naskeag Point and
10 eastward to the border with Canada, including all Maine islands east of 68° 33' W.
11 "Designated area for land acquisition" does not include the Kennebec River watershed,
12 except within the boundaries specified in this subsection, does not include the headwaters
13 of the Kennebec River watershed, including any lands that have shoreline around or within
14 Moosehead Lake, and does not include any lands west of the Penobscot River south of 44°
15 50' N or from Penobscot Bay to the boundary with New Hampshire to the west and the
16 border with Canada to the northwest. The designated area for land acquisition defines a
17 specified boundary that is an approximate representation of the Penobscot River watershed
18 and all lands north and east of the Penobscot River watershed to the border with Canada,
19 including the St. John River and St. Croix River watersheds located within the State.

20 **Sec. 2. 30 MRSA §6205, sub-§1,** as amended by PL 2013, c. 91, §§1 and 2 and
21 affected by §3, is further amended to read:

22 **1. Passamaquoddy Indian territory.** Subject to subsections 3, 4 and 5, the following
23 lands within the State are known as "the "Passamaquoddy Indian territory":"

24 A. The Passamaquoddy Indian Reservation;

25 B. The first 150,000 acres of land acquired by the secretary for the benefit of the
26 Passamaquoddy Tribe from the following areas or lands, to include the following areas
27 or lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and
28 subject to the limitations of subsection 2-A, as well as the following areas or lands and
29 any areas or lands located within the designated area for land acquisition as defined in
30 this chapter after January 1, 2021, to the extent that those lands are acquired by the
31 secretary prior to January 31, 1991 December 31, 2040, are not held in common with
32 any other person or entity and are certified by the secretary by January 31, 1991,
33 December 31, 2040 as held for the benefit of the Passamaquoddy Tribe:

34 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
35 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.;
36 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~
37 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~
38 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
39 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle
40 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
41 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion
42 of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of
43 Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
44 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any

1 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
2 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
3 Corporation, International Paper Company and Lincoln Pulp and Paper Company
4 located in Argyle; ~~and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9~~
5 ~~N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond~~
6 ~~Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.~~
7 ~~(Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township); and any lands in~~
8 ~~Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and~~
9 ~~a plot of contiguous land in Calais that, when combined with land previously~~
10 ~~purchased, does not exceed 100 acres in total, mutually agreed upon by the City of~~
11 ~~Calais and the Passamaquoddy Tribal Government;~~

12 ~~C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary~~
13 ~~for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the~~
14 ~~secretary prior to January 1, 2001, is not held in common with any other person or~~
15 ~~entity and is certified by the secretary by January 31, 2001, as held for the benefit of~~
16 ~~the Passamaquoddy Tribe, if:~~

17 ~~(1) The acquisition of the land by the tribe is approved by the legislative body of~~
18 ~~that city; and~~

19 ~~(2) A tribal-state compact under the federal Indian Gaming Regulatory Act is~~
20 ~~agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a~~
21 ~~court to negotiate such a compact;~~

22 ~~D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T.~~
23 ~~19, M.D. to the extent that the land is acquired by the secretary prior to ~~January 31,~~~~
24 ~~2020 December 31, 2040, is not held in common with any other person or entity and is~~
25 ~~certified by the secretary by ~~January 31, 2020~~ December 31, 2040 as held for the benefit~~
26 ~~of the Passamaquoddy Tribe;~~

27 ~~D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
28 ~~Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the~~
29 ~~Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the~~
30 ~~Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the~~
31 ~~land is acquired by the secretary prior to ~~January 31, 2017~~ December 31, 2040, is not~~
32 ~~held in common with any other person or entity and is certified by the secretary by~~
33 ~~~~January 31, 2017~~ December 31, 2040 as held for the benefit of the Passamaquoddy~~
34 ~~Tribe;~~

35 ~~D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
36 ~~Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim~~
37 ~~deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in~~
38 ~~Book 1178, Page 35, to the extent that the land is acquired by the secretary prior to~~
39 ~~~~January 31, 2023~~ December 31, 2040, is not held in common with any other person or~~
40 ~~entity and is certified by the secretary by ~~January 31, 2023~~ December 31, 2040 as held~~
41 ~~for the benefit of the Passamaquoddy Tribe; and~~

42 ~~E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
43 ~~Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine~~
44 ~~Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,~~
45 ~~2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,~~

1 to the extent that the land is acquired by the secretary prior to ~~January 31, 2017~~
2 December 31, 2040, is not held in common with any other person or entity and is
3 certified by the secretary by ~~January 31, 2017~~ December 31, 2040 as held for the benefit
4 of the Passamaquoddy Tribe.

5 **Sec. 3. 30 MRSA §6205, sub-§2, ¶B**, as amended by PL 1999, c. 625, §1, is further
6 amended to read:

7 B. The first 150,000 acres of land acquired by the secretary for the benefit of the
8 Penobscot Nation ~~from the following areas or lands, to include the following areas or~~
9 lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and
10 subject to the limitations of subsection 2-A, as well as the following areas or lands and
11 any areas or lands located within the designated area for land acquisition after January
12 1, 2021, to the extent that those lands are acquired by the secretary prior to ~~January 31,~~
13 2021 ~~December 31, 2040~~, are not held in common with any other person or entity and
14 are certified by the secretary by ~~January 31, 2021,~~ December 31, 2040 as held for the
15 benefit of the Penobscot Nation:

16 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
17 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.;
18 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~
19 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~
20 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
21 ~~any portion of Sugar Island in Moosehead Lake;~~ the lands of Prentiss and Carlisle
22 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
23 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion
24 of T.2, R.8, N.W.P.; ~~any portion of T.2, R.5, W.B.K.P. (Alder Stream);~~ the lands of
25 Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
26 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any
27 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
28 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
29 Corporation, International Paper Company and Lincoln Pulp and Paper Company
30 located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; ~~any 300 acres~~
31 ~~in Old Town~~ a plot of contiguous land in Old Town that, when combined with any land
32 previously purchased, does not exceed 100 acres in total, not to include Indian Island,
33 mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal
34 Government, provided that the mutual agreement must be finalized prior to August 31,
35 1994; any lands in Lakeville acquired by the Penobscot Nation before January 1, 1994;
36 and all the property acquired by the Penobscot Indian Nation from Herbert C. Haynes,
37 Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1,
38 Range 6 W.E.L.S.

39 **Sec. 4. 30 MRSA §6205, sub-§2-A** is enacted to read:

40 **2-A. Acquisitions within the designated area for land acquisition.** For the purposes
41 of meeting the threshold of 150,000 acres described in subsection 1, paragraph B and
42 subsection 2, paragraph B, additional lands within the designated area for land acquisition
43 that are contiguous to existing tribal lands, and are located in unorganized townships, may
44 be purchased, consistent with the provisions of subsection 5, and certified by the secretary
45 by December 31, 2030 for the benefit of the Passamaquoddy Tribe or the Penobscot Nation.

1 The timeline in this subsection as it pertains to the acquisition of land described in
2 subsection 1, paragraph B is subject to extension upon the agreement of the
3 Passamaquoddy Tribe and the State. The timeline in this subsection as it pertains to the
4 acquisition of land described in subsection 2, paragraph B is subject to extension upon the
5 agreement of the Penobscot Nation and the State.

6 **Sec. 5. 30 MRSA §6209-A, sub-§1**, as amended by PL 2019, c. 621, Pt. D, §1 and
7 affected by §5, is further amended to read:

8 **1. Exclusive jurisdiction over certain matters.** Except as provided in subsections 3
9 and 4, the Passamaquoddy Tribe has the right to exercise exclusive jurisdiction, separate
10 and distinct from the State, over:

11 ~~A. Criminal offenses for which the maximum potential term of imprisonment is less~~
12 ~~than one year and the maximum potential fine does not exceed \$5,000 and that are~~
13 ~~Class C, D and E crimes committed on the Indian reservation of the within~~
14 ~~Passamaquoddy Tribe Indian territory~~ by a member of any federally recognized Indian
15 tribe, nation, band or other group, except when committed against a person who is not
16 a member of any federally recognized Indian tribe, nation, band or other group or
17 against the property of a person who is not a member of any federally recognized Indian
18 tribe, nation, band or other group. The Passamaquoddy Tribe may not deny to any
19 criminal defendant prosecuted under this paragraph for a Class C crime the rights and
20 protections enumerated in 25 United States Code, Section 1302(c);

21 B. Juvenile crimes against a person or property involving conduct that, if committed
22 by an adult, would fall within the exclusive jurisdiction of the Passamaquoddy Tribe
23 under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection
24 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe,
25 the Houlton Band of Maliseet Indians or the Penobscot Nation ~~on the reservation of the~~
26 within Passamaquoddy Tribe Indian territory;

27 C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of
28 Maliseet Indians or the Penobscot Nation arising on the Indian reservation of the
29 Passamaquoddy Tribe and cognizable as small claims under the laws of the State, and
30 civil actions against a member of the Passamaquoddy Tribe, the Houlton Band of
31 Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving
32 conduct on the Indian reservation of the Passamaquoddy Tribe by a member of the
33 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

34 D. Indian child custody proceedings to the extent authorized by applicable federal law;
35 and

36 E. Other domestic relations matters, including marriage, divorce and support, between
37 members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the
38 Penobscot Nation, both of whom reside within the Indian reservation of the
39 Passamaquoddy Tribe.

40 The governing body of the Passamaquoddy Tribe shall decide whether to exercise or
41 terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the
42 Passamaquoddy Tribe chooses not to exercise, or chooses to terminate its exercise of,
43 jurisdiction over the criminal, juvenile, or civil and domestic matters described in this
44 subsection, the State has exclusive jurisdiction over those matters. ~~Except as provided in~~

1 paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes
2 apply within the Passamaquoddy Indian reservation and the State has exclusive jurisdiction
3 over those offenses and crimes.

4 **Sec. 6. 30 MRSA §6209-A, sub-§1-A**, as enacted by PL 2019, c. 621, Pt. D, §2
5 and affected by §5, is repealed and the following enacted in its place:

6 **1-A. Concurrent jurisdiction over certain criminal offenses.** The Passamaquoddy
7 Tribe has the right to exercise jurisdiction, concurrently with the State, over the following
8 crimes:

9 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and
10 211-A and Title 19-A, section 4011 committed by a person who is not a member of
11 any federally recognized Indian tribe, nation, band or other group on the
12 Passamaquoddy Indian territory, against a person or property of a person who is a
13 member of a federally recognized Indian tribe, nation, band or other group. The
14 concurrent jurisdiction authorized by this paragraph does not include offenses
15 committed by a juvenile; and

16 B. Class C, D and E crimes committed within Passamaquoddy Indian territory by a
17 member of a federally recognized Indian tribe, nation, band or other group committed
18 against a person who is not a member of any federally recognized Indian tribe, nation,
19 band or other group or against the property of a person who is not a member of any
20 federally recognized Indian tribe, nation, band or other group. The Passamaquoddy
21 Tribe may not deny to any criminal defendant prosecuted under this paragraph for a
22 Class C crime the rights and protections enumerated in 25 United States Code, Section
23 1302(c).

24 The governing body of the Passamaquoddy Tribe shall decide whether to exercise or
25 terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding
26 subsection 2, the Passamaquoddy Tribe may not deny to any criminal defendant prosecuted
27 under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the
28 rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c),
29 1303 and 1304(d) and all other rights whose protection is necessary under the United States
30 Constitution in order for the State to authorize concurrent jurisdiction under this subsection.
31 If a criminal defendant prosecuted under this subsection moves to suppress statements on
32 the ground that they were made involuntarily, the prosecution has the burden to prove
33 beyond a reasonable doubt that the statements were made voluntarily.

34 In exercising the concurrent jurisdiction authorized by this subsection, the Passamaquoddy
35 Tribe is deemed to be enforcing Passamaquoddy tribal law. The definitions of the criminal
36 offenses and the punishments applicable to those criminal offenses over which the
37 Passamaquoddy Tribe has concurrent jurisdiction under this subsection are governed by
38 the laws of the State. Issuance and execution of criminal process also are governed by the
39 laws of the State.

40 **Sec. 7. 30 MRSA §6209-A, sub-§1-B** is enacted to read:

41 **1-B. Exclusive jurisdiction of the State.** Except as provided in subsection 1,
42 paragraphs A and B and subsection 1-A, all laws of the State relating to crimes and juvenile
43 crimes apply within Passamaquoddy Indian territory and the State has exclusive
44 jurisdiction over those offenses and crimes. Nothing in subsection 1 or 1-A affects, alters

1 or preempts the ability or authority of the Attorney General to investigate or prosecute any
2 conduct occurring in the State, including on Passamaquoddy Indian territory.

3 **Sec. 8. 30 MRSA §6209-A, sub-§3**, as enacted by PL 1995, c. 388, §6 and affected
4 by §8, is amended to read:

5 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in
6 the courts of the State in which a ~~eriminal-offense~~ crime or juvenile crime under the
7 exclusive jurisdiction of the Passamaquoddy Tribe constitutes a lesser included criminal
8 offense of the ~~eriminal-offense~~ crime or juvenile crime charged, the defendant may be
9 convicted or the juvenile adjudicated in the courts of the State of the lesser included
10 criminal offense. A lesser included criminal offense is as defined under the laws of the
11 State.

12 **Sec. 9. 30 MRSA §6209-A, sub-§4**, as amended by PL 2019, c. 621, Pt. D, §4 and
13 affected by §5, is further amended to read:

14 **4. Double jeopardy, collateral estoppel.** A prosecution for a ~~eriminal-offense~~ crime
15 or juvenile crime over which the Passamaquoddy Tribe has exclusive jurisdiction under
16 this section does not bar a prosecution for a ~~eriminal-offense~~ crime or juvenile crime, arising
17 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for
18 a ~~eriminal-offense~~ crime over which the Passamaquoddy Tribe has concurrent jurisdiction
19 under this section does not bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the
20 same conduct, over which the State has exclusive jurisdiction. A prosecution for a ~~eriminal~~
21 ~~offense~~ crime over which the State has concurrent jurisdiction under this section does not
22 bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the same conduct, over which
23 the Passamaquoddy Tribe has exclusive jurisdiction. A prosecution for a ~~eriminal-offense~~
24 crime or juvenile crime over which the State has exclusive jurisdiction does not bar a
25 prosecution for a ~~eriminal-offense~~ crime or juvenile crime, arising out of the same conduct,
26 over which the Passamaquoddy Tribe has exclusive jurisdiction under this section. The
27 determination of an issue of fact in a criminal or juvenile proceeding conducted in a
28 Passamaquoddy tribal forum does not constitute collateral estoppel in a criminal or juvenile
29 proceeding conducted in a state court. The determination of an issue of fact in a criminal
30 or juvenile proceeding conducted in a state court does not constitute collateral estoppel in
31 a criminal or juvenile proceeding conducted in a Passamaquoddy tribal forum.

32 **Sec. 10. 30 MRSA §6209-B, sub-§1**, as corrected by RR 2009, c. 1, §19, is
33 amended to read:

34 **1. Exclusive jurisdiction over certain matters.** Except as provided in subsections 3
35 and 4, the Penobscot Nation has the right to exercise exclusive jurisdiction, separate and
36 distinct from the State, over:

37 A. ~~Criminal offenses for which the maximum potential term of imprisonment does not~~
38 ~~exceed one year and the maximum potential fine does not exceed \$5,000 and that are~~
39 Class C, D and E crimes committed ~~on the Indian reservation of the~~ within Penobscot
40 ~~Nation~~ Indian territory by a member of any federally recognized Indian tribe, nation,
41 band or other group, except when committed against a person who is not a member of
42 any federally recognized Indian tribe, nation, band or other group or against the
43 property of a person who is not a member of any federally recognized Indian tribe,
44 nation, band or other group. The Penobscot Nation may not deny to any criminal

1 defendant prosecuted under this paragraph for a Class C crime the rights and
2 protections enumerated in 25 United States Code, Section 1302(c);

3 B. Juvenile crimes against a person or property involving conduct that, if committed
4 by an adult, would fall within the exclusive jurisdiction of the Penobscot Nation under
5 paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1,
6 paragraphs B and C, committed by a juvenile member of ~~either~~ the Passamaquoddy
7 Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation ~~on the Indian~~
8 ~~reservation of the~~ within Penobscot Nation Indian territory;

9 C. Civil actions between members of either the Passamaquoddy Tribe, the Houlton
10 Band of Maliseet Indians or the Penobscot Nation arising on the Indian reservation of
11 the Penobscot Nation and cognizable as small claims under the laws of the State, and
12 civil actions against a member of ~~either~~ the Passamaquoddy Tribe, the Houlton Band
13 of Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving
14 conduct on the Indian reservation of the Penobscot Nation by a member of ~~either~~ the
15 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

16 D. Indian child custody proceedings to the extent authorized by applicable federal law;
17 and

18 E. Other domestic relations matters, including marriage, divorce and support, between
19 members of ~~either~~ the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or
20 the Penobscot Nation, both of whom reside on the Indian reservation of the Penobscot
21 Nation.

22 The governing body of the Penobscot Nation shall decide whether to exercise or terminate
23 the exercise of the exclusive jurisdiction authorized by this subsection. If the Penobscot
24 Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the
25 criminal, juvenile, or civil and domestic matters described in this subsection, the State has
26 exclusive jurisdiction over those matters. ~~Except as provided in paragraphs A and B, all~~
27 ~~laws of the State relating to criminal offenses and juvenile crimes apply within the~~
28 ~~Penobscot Indian reservation and the State has exclusive jurisdiction over those offenses~~
29 ~~and crimes.~~

30 **Sec. 11. 30 MRSA §6209-B, sub-§1-A**, as enacted by PL 2019, c. 621, Pt. C, §1
31 and affected by §4, is repealed and the following enacted in its place:

32 **1-A. Concurrent jurisdiction over certain criminal offenses.** The Penobscot Nation
33 has the right to exercise jurisdiction, concurrently with the State, over the following crimes:

34 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and
35 211-A and Title 19-A, section 4011 committed by a person who is not a member of
36 any federally recognized Indian tribe, nation, band or other group on the Penobscot
37 Indian territory against a person or property of a person who is a member of a federally
38 recognized Indian tribe, nation, band or other group. The concurrent jurisdiction
39 authorized by this paragraph does not include offenses committed by a juvenile; and

40 B. Class C, D and E crimes committed within Penobscot Indian territory by a member
41 of a federally recognized Indian tribe, nation, band or other group committed against a
42 person who is not a member of any federally recognized Indian tribe, nation, band or
43 other group or against the property of a person who is not a member of any federally
44 recognized Indian tribe, nation, band or other group. The Penobscot Nation may not

1 deny to any criminal defendant prosecuted under this paragraph for a Class C crime the
2 rights and protections enumerated in 25 United States Code, Section 1302(c).

3 The governing body of the Penobscot Nation shall decide whether to exercise or terminate
4 the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2,
5 the Penobscot Nation may not deny to any criminal defendant prosecuted under this
6 subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and
7 protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and
8 1304(d) and all other rights whose protection is necessary under the United States
9 Constitution in order for the State to authorize concurrent jurisdiction under this subsection.
10 If a criminal defendant prosecuted under this subsection moves to suppress statements on
11 the ground that they were made involuntarily, the prosecution has the burden to prove
12 beyond a reasonable doubt that the statements were made voluntarily.

13 In exercising the concurrent jurisdiction authorized by this subsection, the Penobscot
14 Nation is deemed to be enforcing Penobscot tribal law. The definitions of the criminal
15 offenses and the punishments applicable to those criminal offenses over which the
16 Penobscot Nation has concurrent jurisdiction under this subsection are governed by the
17 laws of the State. Issuance and execution of criminal process also are governed by the laws
18 of the State.

19 **Sec. 12. 30 MRSA §6209-B, sub-§1-B** is enacted to read:

20 **1-B. Exclusive jurisdiction of the State.** Except as provided in subsection 1,
21 paragraphs A and B and subsection 1-A, all laws of the State relating to crimes and juvenile
22 crimes apply within Penobscot Indian territory and the State has exclusive jurisdiction over
23 those offenses and crimes. Nothing in subsection 1 or 1-A affects, alters or preempts the
24 ability or authority of the Attorney General to investigate or prosecute any conduct
25 occurring in the State, including on Penobscot Indian territory.

26 **Sec. 13. 30 MRSA §6209-B, sub-§2,** as enacted by PL 1995, c. 388, §6 and
27 affected by §8, is amended to read:

28 **2. Definitions of crimes; tribal procedures.** In exercising its exclusive jurisdiction
29 under subsection 1, paragraphs A and B, the Penobscot Nation is deemed to be enforcing
30 Penobscot tribal law. The definitions of the ~~eriminal-offenses~~ crimes and juvenile crimes
31 and the punishments applicable to those ~~eriminal-offenses~~ crimes and juvenile crimes over
32 which the Penobscot Nation has exclusive jurisdiction under this section are governed by
33 the laws of the State. Issuance and execution of criminal process are also governed by the
34 laws of the State. The procedures for the establishment and operation of tribal forums
35 created to effectuate the purposes of this section are governed by federal statute, including,
36 without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and
37 rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian
38 tribes on federal Indian reservations.

39 **Sec. 14. 30 MRSA §6209-B, sub-§3,** as enacted by PL 1995, c. 388, §6 and
40 affected by §8, is amended to read:

41 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in
42 the courts of the State in which a ~~eriminal-offense~~ crime or juvenile crime under the
43 exclusive jurisdiction of the Penobscot Nation constitutes a lesser included criminal offense
44 of the ~~eriminal-offense~~ crime or juvenile crime charged, the defendant may be convicted or

1 the juvenile adjudicated in the courts of the State of the lesser included criminal offense. A
2 lesser included criminal offense is as defined under the laws of the State.

3 **Sec. 15. 30 MRSA §6209-B, sub-§4**, as amended by PL 2019, c. 621, Pt. C, §3
4 and affected by §4, is further amended to read:

5 **4. Double jeopardy, collateral estoppel.** A prosecution for a ~~eriminal-offense~~ crime
6 or juvenile crime over which the Penobscot Nation has exclusive jurisdiction under this
7 section does not bar a prosecution for a ~~eriminal-offense~~ crime or juvenile crime, arising
8 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for
9 a ~~eriminal-offense~~ crime over which the Penobscot Nation has concurrent jurisdiction under
10 this section does not bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the same
11 conduct, over which the State has exclusive jurisdiction. A prosecution for a ~~eriminal~~
12 ~~offense~~ crime over which the State has concurrent jurisdiction under this section does not
13 bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the same conduct, over which
14 the Penobscot Nation has exclusive jurisdiction. A prosecution for a ~~eriminal-offense~~ crime
15 or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution
16 for a ~~eriminal-offense~~ crime or juvenile crime, arising out of the same conduct, over which
17 the Penobscot Nation has exclusive jurisdiction under this section. The determination of
18 an issue of fact in a criminal or juvenile proceeding conducted in a tribal forum does not
19 constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court.
20 The determination of an issue of fact in a criminal or juvenile proceeding conducted in a
21 state court does not constitute collateral estoppel in a criminal or juvenile proceeding
22 conducted in a tribal forum.

23 **Sec. 16. 30 MRSA §6209-C**, as corrected by RR 2011, c. 1, §45, is amended to
24 read:

25 **§6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court**

26 **1. Exclusive jurisdiction over certain matters.** Except as provided in subsections 3
27 and 4, the Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction,
28 separate and distinct from the State, over:

29 A. ~~Criminal offenses for which the maximum potential term of imprisonment does not~~
30 ~~exceed one year and the maximum potential fine does not exceed \$5,000 and that are~~
31 Class C, D and E crimes committed on the Houlton Band ~~Jurisdiction~~ Trust Land by a
32 member of the ~~Houlton Band of Maliseet Indians~~ a federally recognized Indian tribe,
33 nation, band or other group, except when committed against a person who is not a
34 member of the ~~Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe,
35 nation, band or other group or against the property of a person who is not a member of
36 the ~~Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe, nation,
37 band or other group. The Houlton Band of Maliseet Indians may not deny to any
38 criminal defendant prosecuted under this paragraph for a Class C crime the rights and
39 protections enumerated in 25 United States Code, Section 1302(c);

40 B. Juvenile crimes against a person or property involving conduct that, if committed
41 by an adult, would fall within the exclusive jurisdiction of the Houlton Band of
42 Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section
43 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the
44 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation
45 on the Houlton Band ~~Jurisdiction~~ Trust Land;

1 C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of
2 Maliseet Indians or the Penobscot Nation arising on the Houlton Band Jurisdiction
3 Trust Land and cognizable as small claims under the laws of the State and civil actions
4 against a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians
5 or the Penobscot Nation under Title 22, section 2383 involving conduct on the Houlton
6 Band Jurisdiction Trust Land by a member of the Passamaquoddy Tribe, the Houlton
7 Band of Maliseet Indians or the Penobscot Nation;

8 D. Indian child custody proceedings to the extent authorized by applicable federal law;
9 and

10 E. Other domestic relations matters, including marriage, divorce and support, between
11 members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the
12 Penobscot Nation, both of whom reside within the Houlton Band Jurisdiction Trust
13 Land.

14 The governing body of the Houlton Band of Maliseet Indians shall decide whether to
15 exercise or terminate the exercise of the exclusive jurisdiction authorized by this
16 subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise
17 of jurisdiction under each of the subject areas described by paragraphs A to E may be made
18 separately. Until the Houlton Band of Maliseet Indians notifies the Attorney General that
19 the band has decided to exercise exclusive jurisdiction set forth in any or all of the
20 paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the
21 Houlton Band of Maliseet Indians chooses not to exercise or chooses to terminate its
22 exercise of exclusive jurisdiction set forth in any or all of the paragraphs in this subsection,
23 the State has exclusive jurisdiction over those matters until the Houlton Band of Maliseet
24 Indians chooses to exercise its exclusive jurisdiction. When the Houlton Band of Maliseet
25 Indians chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas
26 of the exclusive jurisdiction authorized by this subsection it must first provide 30 days'
27 notice to the Attorney General. Except as provided in subsections 2 and 3, all laws of the
28 State relating to criminal offenses and juvenile crimes apply within the Houlton Band Trust
29 Land and the State has exclusive jurisdiction over those offenses and crimes.

30 ~~**1-A. Exclusive jurisdiction over Penobscot Nation members.** The Houlton Band~~
31 ~~of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct~~
32 ~~from the State, over:~~

33 ~~A. Criminal offenses for which the maximum potential term of imprisonment does not~~
34 ~~exceed one year and the maximum potential fine does not exceed \$5,000 and that are~~
35 ~~committed on the Houlton Band Jurisdiction Land by a member of the Penobscot~~
36 ~~Nation against a member or property of a member of those federally recognized Indian~~
37 ~~tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet~~
38 ~~Indians under this subsection, and by a member of those federally recognized Indian~~
39 ~~tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet~~
40 ~~Indians under this subsection against a member or the property of a member of the~~
41 ~~Penobscot Nation;~~

42 ~~B. Juvenile crimes against a person or property involving conduct that, if committed~~
43 ~~by an adult, would fall within the exclusive jurisdiction of the Houlton Band of~~
44 ~~Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section~~

1 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the
2 Penobscot Nation on the Houlton Band Jurisdiction Land;

3 C. Civil actions between a member of those federally recognized Indian tribes
4 otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians
5 under this subsection and members of the Penobscot Nation arising on the Houlton
6 Band Jurisdiction Land and cognizable as small claims under the laws of the State and
7 civil actions against a member of the Penobscot Nation under Title 22, section 2383
8 involving conduct on the Houlton Band Jurisdiction Land by a member of the
9 Penobscot Nation;

10 D. Indian child custody proceedings to the extent authorized by applicable federal law;
11 and

12 E. Other domestic relations matters, including marriage, divorce and support, between
13 members of either those federally recognized Indian tribes otherwise subject to the
14 exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection or
15 the Penobscot Nation, both of whom reside on the Houlton Band Jurisdiction Land.

16 The Houlton Band of Maliseet Indians may assert, terminate or reassert exclusive
17 jurisdiction over these areas as described in subsection 1.

18 **1-B. Exclusive jurisdiction over Passamaquoddy Tribe members.** The Houlton
19 Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and
20 distinct from the State, over:

21 A. Criminal offenses for which the maximum potential term of imprisonment does not
22 exceed one year and the maximum potential fine does not exceed \$5,000 and that are
23 committed on the Houlton Band Jurisdiction Land by a member of the Passamaquoddy
24 Tribe against a member or property of a member of those federally recognized Indian
25 tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet
26 Indians under this subsection, and by a member of those federally recognized Indian
27 tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet
28 Indians under this subsection against a member or the property of a member of the
29 Passamaquoddy Tribe;

30 B. Juvenile crimes against a person or property involving conduct that, if committed
31 by an adult, would fall within the exclusive jurisdiction of the Houlton Band of
32 Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section
33 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the
34 Passamaquoddy Tribe on the Houlton Band Jurisdiction Land;

35 C. Civil actions between a member of those federally recognized Indian tribes
36 otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians
37 under this subsection and members of the Passamaquoddy Tribe arising on the Houlton
38 Band Jurisdiction Land and cognizable as small claims under the laws of the State and
39 civil actions against a member of the Passamaquoddy Tribe under Title 22, section
40 2383 involving conduct on the Houlton Band Jurisdiction Land by a member of the
41 Passamaquoddy Tribe;

42 D. Indian child custody proceedings to the extent authorized by applicable federal law;
43 and

1 E. Other domestic relations matters, including marriage, divorce and support, between
2 members of either those federally recognized Indian tribes otherwise subject to the
3 exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection or
4 the Passamaquoddy Tribe, both of whom reside on the Houlton Band Jurisdiction Land.

5 ~~The Houlton Band of Maliseet Indians may assert, terminate or reassert exclusive~~
6 ~~jurisdiction over these areas as described in subsection 1.~~

7 **1-C. Concurrent jurisdiction over certain criminal offenses.** The Houlton Band of
8 Maliseet Indians has the right to exercise jurisdiction, concurrently with the State, over the
9 following crimes:

10 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and
11 211-A and Title 19-A, section 4011 committed by a person who is not a member of
12 any federally recognized Indian tribe, nation, band or other group on the Houlton Band
13 Trust Land against a person or property of a person who is a member of a federally
14 recognized Indian tribe, nation, band or other group. The concurrent jurisdiction
15 authorized by this paragraph does not include offenses committed by a juvenile; and

16 B. Class C, D and E crimes committed within Houlton Band Trust Land by a member
17 of a federally recognized Indian tribe, nation, band or other group committed against a
18 person who is not a member of any federally recognized Indian tribe, nation, band or
19 other group or against the property of a person who is not a member of any federally
20 recognized Indian tribe, nation, band or other group. The Houlton Band of Maliseet
21 Indians may not deny to any criminal defendant prosecuted under this paragraph for a
22 Class C crime the rights and protections enumerated in 25 United States Code, Section
23 1302(c).

24 The governing body of the Houlton Band of Maliseet Indians shall decide whether to
25 exercise or terminate the exercise of jurisdiction authorized by this subsection.
26 Notwithstanding subsection 2, the Houlton Band of Maliseet Indians may not deny to any
27 criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a
28 unanimous jury verdict, the rights and protections enumerated in 25 United States Code,
29 Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is
30 necessary under the United States Constitution in order for the State to authorize concurrent
31 jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection
32 moves to suppress statements on the ground that they were made involuntarily, the
33 prosecution has the burden to prove beyond a reasonable doubt that the statements were
34 made voluntarily.

35 In exercising the concurrent jurisdiction authorized by this subsection, the Houlton Band
36 of Maliseet Indians is deemed to be enforcing Houlton Band tribal law. The definitions of
37 the criminal offenses and the punishments applicable to those criminal offenses over which
38 the Houlton Band of Maliseet Indians has concurrent jurisdiction under this subsection are
39 governed by the laws of the State. Issuance and execution of criminal process also are
40 governed by the laws of the State.

41 **1-D. Exclusive jurisdiction of the State.** Except as provided in subsection 1,
42 paragraphs A and B and subsection 1-C, all laws of the State relating to crimes and juvenile
43 crimes apply within Houlton Band Trust Land and the State has exclusive jurisdiction over
44 those offenses and crimes. Nothing in subsection 1 or 1-C affects, alters or preempts the

1 ability or authority of the Attorney General to investigate or prosecute any conduct
2 occurring in the State, including on Houlton Band Trust Land.

3 **2. Definitions of crimes; tribal procedures.** In exercising its exclusive jurisdiction
4 under subsection 1, paragraphs A and B, the Houlton Band of Maliseet Indians is deemed
5 to be enforcing tribal law of the Houlton Band of Maliseet Indians. The definitions of the
6 ~~eriminal offenses~~ crimes and juvenile crimes and the punishments applicable to those
7 ~~eriminal offenses~~ crimes and juvenile crimes over which the Houlton Band of Maliseet
8 Indians has exclusive jurisdiction under this section are governed by the laws of the State.
9 Issuance and execution of criminal process are also governed by the laws of the State. The
10 procedures for the establishment and operation of tribal forums created to effectuate the
11 purposes of this section are governed by federal statute, including, without limitation, the
12 provisions of 25 United States Code, Sections 1301 to 1303 and rules and regulations
13 generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal
14 Indian reservations.

15 **2-A. Criminal records, juvenile records and fingerprinting.** At the arraignment of
16 a criminal defendant, the Houlton Band of Maliseet Indians Tribal Court shall inquire
17 whether fingerprints have been taken or whether arrangements have been made for
18 fingerprinting. If neither has occurred, the Houlton Band of Maliseet Indians Tribal Court
19 shall instruct both the responsible law enforcement agency and the person charged as to
20 their respective obligations in this regard, consistent with Title 25, section 1542-A.

21 At the conclusion of a criminal or juvenile proceeding within the Houlton Band of Maliseet
22 Indians' exclusive or concurrent jurisdiction, except for a violation of Title 12 or Title 29-A
23 that is a Class D or Class E crime other than a Class D crime that involves hunting while
24 under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the
25 operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor
26 vehicle while under the influence of intoxicating liquor or drugs or with an excessive
27 alcohol level, the Houlton Band of Maliseet Indians Tribal Court shall transmit to the
28 Department of Public Safety, State Bureau of Identification an abstract duly authorized on
29 forms provided by the bureau.

30 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in
31 the courts of the State in which a ~~eriminal offense~~ crime or juvenile crime under the
32 exclusive jurisdiction of the Houlton Band of Maliseet Indians constitutes a lesser included
33 criminal offense of the ~~eriminal offense~~ crime or juvenile crime charged, the defendant
34 may be convicted or the juvenile adjudicated in the courts of the State of the lesser criminal
35 included offense. A lesser included criminal offense is as defined under the laws of the
36 State.

37 **4. Double jeopardy; collateral estoppel.** A prosecution for a ~~eriminal offense~~ crime
38 or juvenile crime over which the Houlton Band of Maliseet Indians has exclusive
39 jurisdiction under this section does not bar a prosecution for a ~~eriminal offense~~ crime or
40 juvenile crime arising out of the same conduct over which the State has exclusive
41 jurisdiction. A prosecution for a crime over which the Houlton Band of Maliseet Indians
42 has concurrent jurisdiction under this section does not bar a prosecution for a crime, arising
43 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for
44 a crime over which the State has concurrent jurisdiction under this section does not bar a
45 prosecution for a crime, arising out of the same conduct, over which the Houlton Band of
46 Maliseet Indians has exclusive jurisdiction. A prosecution for a ~~eriminal offense~~ crime or

1 juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution
2 for a ~~criminal offense crime~~ or juvenile crime arising out of the same conduct over which
3 the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section. The
4 determination of an issue of fact in a criminal or juvenile proceeding conducted in a tribal
5 forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted
6 in a state court. The determination of an issue of fact in a criminal or juvenile proceeding
7 conducted in a state court does not constitute collateral estoppel in a criminal or juvenile
8 proceeding conducted in a tribal forum.

9 **5. Houlton Band Jurisdiction Land.** For the purposes of this section, "~~Houlton Band~~
10 ~~Jurisdiction Land~~" means only the Houlton Band Trust Land described as follows:

11 A. ~~Lands transferred from Ralph E. Longstaff and Justina Longstaff to the United~~
12 ~~States of America in trust for the Houlton Band of Maliseet Indians, located in Houlton,~~
13 ~~Aroostook County and recorded in the Aroostook County South Registry of Deeds in~~
14 ~~Book 2144, Page 198; and~~

15 B. ~~Lands transferred from F. Douglas Lowrey to the United States of America in trust~~
16 ~~for the Houlton Band of Maliseet Indians, located in Houlton and Littleton, Aroostook~~
17 ~~County and recorded in the Aroostook County South Registry of Deeds in Book 2847,~~
18 ~~Page 114.~~

19 ~~The designation of Houlton Band Jurisdiction Land in this subsection in no way affects the~~
20 ~~acquisition of additional Houlton Band Trust Land pursuant to applicable federal and state~~
21 ~~law, nor limits the Houlton Band of Maliseet Indians from making additional requests that~~
22 ~~portions of the trust land be included in this subsection.~~

23 **6. Effective date; full faith and credit.** ~~This section takes effect only if the State, the~~
24 ~~Passamaquoddy Tribe and the Penobscot Nation agree to give full faith and credit to the~~
25 ~~judicial proceedings of the Houlton Band of Maliseet Indians and the Houlton Band of~~
26 ~~Maliseet Indians agrees to give full faith and credit to the judicial proceedings of the State,~~
27 ~~the Passamaquoddy Tribe and the Penobscot Nation.~~

28 **Sec. 17. Contingent effective date.** This Act takes effect 120 days after
29 adjournment of the First Special Session of the 130th Legislature only if, within 90 days
30 after adjournment of the First Special Session of the 130th Legislature, the Secretary of
31 State receives written certification from the Joint Tribal Council of the Passamaquoddy
32 Tribe that the tribe has agreed to the provisions of this Act; the Governor and the Council
33 of the Penobscot Nation that the nation has agreed to the provisions of this Act; and the
34 Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to
35 the provisions of this Act, copies of which must be submitted by the Secretary of State to
36 the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

37 SUMMARY

38 In this summary, the Maine Revised Statutes, Title 30, chapter 601, which is titled AN
39 ACT to Implement the Maine Indian Claims Settlement and was enacted by Public Law
40 1979, chapter 732, is referred to as "the Maine Implementing Act" and the federal Maine
41 Indian Claims Settlement Act of 1980, Public Law 96-420, formerly codified as 25 United
42 States Code, Sections 1721 to 1735, is referred to as "the federal Settlement Act." The
43 federal Settlement Act ratified the Maine Implementing Act, and both have an effective

1 date of October 10, 1980. This bill makes changes to the sections of the Maine
2 Implementing Act describing land acquisition and criminal jurisdiction.

3 This bill extends the opportunity for tribal land acquisition to December 31, 2040 for
4 both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust
5 lands under the Maine Implementing Act. It also establishes a new category of land, the
6 designated area for land acquisition. It provides that for the purposes of meeting the initial
7 threshold of 150,000 acres, additional lands within the designated area for land acquisition
8 that are contiguous to existing tribal lands may be purchased and certified by the United
9 States Secretary of the Interior by January 31, 2030, for the benefit of the Passamaquoddy
10 Tribe or Penobscot Nation.

11 The Maine Implementing Act currently limits the criminal jurisdiction of the
12 Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court as well as the potential
13 criminal jurisdiction of the Houlton Band of Maliseet Indians Tribal Court. Federal Indian
14 law provides broader jurisdiction for tribal courts. This bill repeals most of the state
15 limitations and recognizes and adopts most of federal Indian law, including the Indian Civil
16 Rights Act of 1968, the Tribal Law and Order Act of 2010 and other federal laws addressing
17 tribal court jurisdiction and the obligations of the tribal courts. This bill amends the Maine
18 Implementing Act to make equal the exclusive criminal jurisdiction of the Passamaquoddy
19 Tribal Court and the Houlton Band of Maliseet Indians Tribal Court with the exclusive
20 criminal jurisdiction of the Penobscot Nation Tribal Court over offenses committed by
21 Indian defendants against Indian victims or for which there is no victim. This bill further
22 amends the Maine Implementing Act to recognize the criminal jurisdiction of the
23 Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the Houlton Band of
24 Maliseet Indians Tribal Court to impose the maximum penalties other tribal courts are
25 authorized to impose under the federal Tribal Law and Order Act of 2010, as long as the
26 due process protections required by that Act are observed.

27 This bill amends state law to recognize tribal court jurisdiction, concurrent with the
28 state courts, over offenses committed on tribal lands by Indian defendants against non-
29 Indian victims, subject to the maximum penalty provisions and due process requirements
30 of the federal Tribal Law and Order Act of 2010.

31 This bill retains current law providing that the exclusive authority of the
32 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to
33 exercise criminal jurisdiction over Indians on tribal lands remains at the discretion of the
34 tribe, nation and band. To the extent that the tribe, nation or band does not exercise, or
35 terminates its exercise of, exclusive criminal jurisdiction, the State has exclusive
36 jurisdiction over those matters.

37 Unlike current law, this bill recognizes each tribal government's authority to define all
38 crimes and juvenile offenses committed on its tribal lands over which the tribal court has
39 exclusive or concurrent criminal jurisdiction. This bill, however, retains the authority of
40 the State to define all crimes and juvenile offenses committed on tribal lands over which
41 state courts have exclusive or concurrent jurisdiction.

42 The bill takes effect 120 days after adjournment of the First Special Session of the
43 130th Legislature only if, within 90 days after adjournment of the First Special Session of
44 the 130th Legislature, the Secretary of State receives written certification from: the Joint
45 Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to its provisions; the

1 Governor and the Council of the Penobscot Nation that the nation has agreed to its
2 provisions; and the Houlton Band Council of the Houlton Band of Maliseet Indians that the
3 band has agreed to its provisions.